

Application Serial No. 09/815,819

**REMARKS**

1. Applicant thanks the Examiner for his helpful comments and suggestions and for pointing out the allowability of Claims 1-3 and 5-9.

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2. It should be appreciated that Applicant has elected to amend Claims 11, 29, and 30 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

15 3. Claims 11-24 and 26-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,404,860 (hereinafter "Casellini").

Applicant amends Claims 11 and 29 to clarify that the step of establishing verbal-textual communication between the caller and the subscriber requires use of speech-to-text software conversion. In the Examiner's response to Applicant's arguments filed September 16, 2005, the Examiner points out that the claim language "or" allowed the Examiner to select the option of text-to-speech conversion and that the clause of speech-to-text conversion is not necessary in interpreting the limitations of Claims 11 and 29. Hence, Applicant amends Claims 11 and 29 to clarify that speech-to-text conversion is required. Casellini does not teach speech-to-text conversion originating from the user. In stark contrast, Casellini's teachings are limited to text-to-speech. Accordingly, the rejection of Claims 11 and 29 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Casellini is deemed to be overcome.

Application Serial No. 09/815,819

4. New Claims 37 and 38 are added to the application. Support for new Claims 37 and 38 is found at least in the application as filed at page 5, lines 20-21; page 6, lines 4-5; page 9, lines 1-2; page 11, lines 3-6; and page 11, lines 22-24. Applicant certifies that no new material is added by way of the new Claims.

5. Claims 30-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Casellini in view of U.S. patent publication no. U.S. 2002/0071539 A1 (hereinafter "Diamant").

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Applicant amends Claim 30 to clarify the invention by requiring software for speech-to-text conversion from said instant messenger subscriber to the caller. As the Examiner points out, Casellini does not disclose speech-to-text conversions. Diamant describes only text-to-speech originating from an instant messenger. The only use of speech-to-text in Diamant is from a phone to an instant messenger. Sections of Diamant referring to speech-to-text and text-to-speech are further detailed herein.

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Diamant at paragraph [0012], lines 19-23 describes an embodiment of communication originating from a phone. Here the phone web server receives either text or voice from the phone call. However, this section does not teach speech-to-text conversion from the instant messenger. Diamant at paragraph [0012], lines 30-35 Goes on to describe that return text messages from the instant messenger are synthesized into speech. At no point in paragraph [0012] is speech-to-text from the instant messenger taught or described.

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Further, Diamant at paragraph [0017] does not teach speech-to-text originating from an instant messenger. Paragraph [0017] is parsed herein. First, paragraph [0017] begins in mid-sentence from paragraph [0016] indicating an inadvertent

Application Serial No. 09/815,819

carriage return. Paragraph [0016] defines a data network for the instant messenger and a telephone interface for the phone call. Second, paragraph [0017], lines 5-7 teaches a speech-to-text converter enabling speech input via the telephone interface for transfer to the data network. Thus, in lines 5-7 of paragraph [0017] speech-to-text conversion is only taught as speech originating from the phone and being converted to text for the instant messenger. Third, Diamant at paragraph [0017], lines 8-12 teaches a text-to-speech converter from the data network, defined above as the instant messenger, to the telephone interface. Thus, lines 8-12 of paragraph [0017] teach how the instant messenger communicates via text-to-speech to the phone user. At no point in paragraph [0017] is speech-to-text conversion taught or described that originates from the instant messenger.

In order to clarify the claimed invention, Applicant amends Claim 30 to further distinguish it from the prior art by inserting the claim requirement of software for speech-to-text conversion from said instant messenger subscriber to the caller. Support for this amendment is found at least in the application as filed at page 5, lines 20-21; page 6, lines 4-5; page 9, lines 1-2; page 11, lines 3-6; and page 11, lines 22-24. Applicant certifies that no new material is added by way of this amendment. The amendment of Claim 30 clarifies that the original claim requirement of software for at least one speech-to-text conversion is used to convert instant messenger communication of the subscriber to the caller. Hence, Claim 30 requires a speech-to-text conversion from the instant messenger to the subscriber that is not taught or described by either Casellini or Diamant. Accordingly, the rejection of Claim 30 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Casellini in view of Diamant is deemed to be overcome.

Claim 30 is further amended to conform with standard claim drafting practices.

Application Serial No. 09/815,819

**CONCLUSION**

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections, allowing the Application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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